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**Tempe City Council**  
**July 7, 2005**

Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street  
7:30 p.m.

1. INVOCATION - Councilmember Hutson
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Arredondo
  - A. Approval of Council Meeting Minutes
    1. Council Executive Session – May 5 & 19, June 2 & 16, 2005
    2. Council Issue Review Session – June 2 & 16, 2005 [20050707clrck01.pdf](#)  
[20050707clrck07.pdf](#)
    3. Council Formal Meeting – June 2 & 16, 2005 [20050707clrck05.pdf](#)  
[20050707clrck06.pdf](#)
    4. Council Special Budget Meeting – June 2 & 16, 2005 [20050707clrck02.pdf](#)  
[20050707clrck04.pdf](#)
    5. Rio Salado Community Facilities District Board Meeting – June 2, 2005  
[20050707clrck03.pdf](#)
    6. Joint Tempe/Scottsdale Council Dinner Meeting – June 9, 2005 [20050707clrck08.pdf](#)
    7. Council Dinner Meeting – June 13, 2005 [20050707clrck09.pdf](#)
    8. Council's Central City Development Committee of the Whole – June 16, 2005  
[20050707ccd01.pdf](#)
    9. Council's Technology Advancement, Tourism & Redevelopment Committee –  
June 13 & 27, 2005 [20050707tatr01.pdf](#) [20050707tatr02.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    10. Aviation Commission – May 25, 2005 [20050707tavco01.pdf](#)
    11. Board of Adjustment – May 25, 2005 [20050707boa01.pdf](#)
    12. Committee for Youth, Families & Community, May 16, 2005 [20050707cyfc01.pdf](#)
    13. Community Special Events Task Force – June 21, 2005 [20050707setf01.pdf](#)
    14. Building Code Advisory Board Work Session – May 31, 2005 [20050707bcab01.pdf](#)
    15. Disability Concerns Commission – April 19, 2005 [20050707dcc01.pdf](#)
    16. Hearing Officer – May 17 & June 7, 2005 [20050707ho01.pdf](#) [20050707ho02.pdf](#)
    17. Municipal Arts Commission – April 13, 2005 [20050707mac01.pdf](#)

18. Parks & Recreation Board – May 10, 2005 [20050707csmr01.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
- Board and Commission Appointments
  - Board and Commission Vacancies
- B. Manager's Announcements

#### 5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (\*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

A. Miscellaneous Items

19. Request approval of the Report of Claims Paid to be Filed for Audit for the weeks of June 5, 12 & 19, 2005.

**COMMENTS:** A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

20. Request authorization for the Mayor to sign an Intergovernmental Agreement between the City of Tempe and the City of Phoenix for the ASU Unlimited Access Bus Pass Program.

**DOCUMENT NAME:** [20050707pwry01.pdf](#) PUBLIC TRANSIT (1106)

21. Request authorization to allow the City Attorney to file an appeal in the administrative action, City of Tempe v. Arizona Department of Revenue.

**DOCUMENT NAME:** [20050707cacc01.pdf](#) CITY ATTORNEY  
ADMINISTRATION (0501-02)

22. Request authorization to allow the City Attorney to file an appeal in the administrative action, City of Tempe v. ADEQ.

**DOCUMENT NAME:** [20050707cacc02.pdf](#) **CITY ATTORNEY ADMINISTRATION (0501-02)**

23. Request authorization to hire additional outside legal counsel to provide condemnation litigation services for light rail project property acquisition.

**DOCUMENT NAME:** [20050707pwjsm02.pdf](#) **CITY ATTORNEY ADMINISTRATION (0501-03)**

24. Request approval for an Amended Final Subdivision Plat by SANDAHAL HOMES at 8150 and 8180 South Jentilly Lane.

**COMMENTS:** (City of Tempe, property owner) #SBD-2005.61 (CC050039) for an Amended Final Subdivision Plat consisting of two (2) lots on .77 net acres.

**DOCUMENT NAME:** [20050707dsd2k08.pdf](#) **PLANNED DEVELOPMENT (0406)**

25. Request approval for a Preliminary and Final Subdivision Plat by the TEMPE POLICE DEPARTMENT for the proposed substation at 1855 East Apache Boulevard.

**COMMENTS:** (City of Tempe, property owner) (CC050017) #SBD-2005.43 for a Preliminary and Final Subdivision Plat, consisting of one (1) lot on 8.74 net acres.

**DOCUMENT NAME:** [20050707dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

26. Request approval for an Amended Subdivision Plat by FOUNTAINHEAD CORPORATE PARK (Lot 1A) at 1605 West Broadway Road.

**COMMENTS:** (Amberjack LTD, owner) (CC050034) #SBD-2005.57 for a Preliminary and Final Subdivision Plat, consisting of two (2) lots on 9.52 net acres.

**DOCUMENT NAME:** [20050707dsrl05.pdf](#) **PLANNED DEVELOPMENT (0406)**

27. Request approval for a Preliminary and Final Subdivision Plat for NEWTOWN MCKEMY for three (3) lots at 1105 South McKemy Street.

**COMMENTS:** (Newtown Community Development Corporation, property owner) (CC050028) #SBD-2005.58 for a Preliminary and Final Subdivision Plat consisting of three (3) lots on 0.52 net acres.

**DOCUMENT NAME:** [20050707dsrl03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*28. This is a public hearing for an appeal of the May 24, 2005, Planning and Zoning Commission decision granting the PARAGON DANCE CENTER two (2) use permits in the PCC-1, Planned Commercial Center Neighborhood District, at 931 East Elliot Road, Suite 101.

**COMMENTS:** The Planning and Zoning Commission granted Paragon Dance Center the use permits with conditions. (Michael Pollack Investments, property owner/Lonnie Mitchell, business owner) (CC050020) #SIP-2005.46 for two (2) use permits to allow live entertainment and receptions in a 9,134 s.f. leased area in the PCC-1, Planned Commercial Center Neighborhood District, including the following:

Use Permits:

1. To allow live entertainment in the PCC-1, Planned Commercial Center Neighborhood District
2. To allow a reception hall in the PCC-1, Planned Commercial Center Neighborhood District

**DOCUMENT NAME:** [20050707dssa09.pdf](#) **PLANNED DEVELOPMENT (0406)**

29. Amendment to Development Agreement C2005-97 relating to a traffic signal for the Light Rail Project.

**COMMENTS:** This amendment clarifies the responsible financial parties. The Development Agreement was originally approved on May 19, 2005. Inclusion of Salt River Project in the original agreement and staff summary approved on May 19, 2005, was incorrect. The agreement is only between the City of Tempe, Papago Park Center, and Chamberlain Development.

**DOCUMENT NAME:** [20050707pwjism01.pdf](#) **PUBLIC TRANSIT (1106)**

- \*30. This is a public hearing to recommend the approval of a Series 6 Bar liquor license for 3 Deep Bar Concepts, LLC, dba Zuma Grill, 605 S. Mill Avenue.

**COMMENTS:** Bryon Russell, Agent

**DOCUMENT NAME:** [20050707LIQ4.pdf](#) **LIQ LIC (0210-02)**

- \*31. This is a public hearing to recommend the approval of an After-Hours Establishment permit for Premier Bar Consulting, dba Arizona Beach Club, 430 N. Scottsdale Road.

**COMMENTS:** Randy Feldman, Applicant.

**DOCUMENT NAME:** [20050707STAX3.pdf](#) **LIQ LIC (0210-02)**

- \*32. This is a public hearing to recommend the approval of a Series 7 Beer & Wine Bar liquor license for Bogie's Clubhouse Etal, dba Bogie's Clubhouse, 800 E. Divot Drive.

**COMMENTS:** James A. Godfrey IV, Agent

**DOCUMENT NAME:** [20050707LIQ2.pdf](#) **LIQ LIC (0210-02)**

- \*33. This is a public hearing to recommend the approval of a Series 12 Restaurant liquor license for Bogie's Clubhouse Etal, dba Bogie's Clubhouse, 800 E. Divot Drive.

**COMMENTS:** James A. Godfrey IV, Agent

**DOCUMENT NAME:** [20050707LIQ1.pdf](#) **LIQ LIC (0210-02)**

B. Award of Bids/Contracts

34. Request approval to utilize a five-year Maricopa County contract with American Refrigeration Supplies, Inc., Arizona Trane Parts, Burke Engineering, Grainger Industrial Supply, Industrial Mining Supply Company, Refrigeration Supplies Dist. (RSD), United Refrigeration, and Webb Distributors, Inc., for HVAC tools, parts, and accessories.

**COMMENTS:** Total cost of this contract shall not exceed \$1,750,000 during the initial contract period.

**DOCUMENT NAME:** [20050707fslq01.pdf](#) PURCHASES (1004-01) Contract #03245-C

35. Request approval to utilize a six-month contract with Audio Visual Resources (AVR) for design, purchase and installation of a video conference system for the Water Utilities Department.

**COMMENTS:** Total cost shall not exceed \$50,000.

**DOCUMENT NAME:** [20050707fsts11.pdf](#) PURCHASES (1004-01) AD020018-003-A2

36. Request approval of nine-month contract renewals with Kelly Services, Staffmark Pacific, LLC, Randstad NA, and Corporate Job Bank for temporary employment services.

**COMMENTS:** Total cost shall not exceed \$500,000.

**DOCUMENT NAME:** [20050707fsdl02.pdf](#) PURCHASES (1004-01)  
Contract #AD000171

37. Request approval of one-year contract renewals with North Valley Motorsports, Williams Detroit Diesel, Trucks West of Phoenix, I-10 International, Sanderson Ford, Chapman Chevrolet, RLS Services, Valley Truck and Trailer Service, The Lighthouse, Watkins Specialists, Mesa Mustang and Upholstery, Arizona Rubber, American Filter, NAPA Genuine Parts, Factory Motor Parts, Pro Auto Parts, Granberry Supply, and Heil Company for auto parts and service.

**COMMENTS:** Total cost not to exceed \$474,500.

**DOCUMENT NAME:** [20050707fsdl03.pdf](#) PURCHASES (1004-01) T02-065-01/02/03/04/05/07/09/10/14/19/20/21/25/26/27/29/31/32

38. Request approval of a one-year contract renewal with Language Line Services for translation services.

**COMMENTS:** Total cost not to exceed \$40,000.

**DOCUMENT NAME:** [20050707fsdl04.pdf](#) PURCHASES (1004-01) T04-085-01

39. Request approval of a one-year contract renewal with The Advocacy Group for federal lobbyist and information services.

**COMMENTS:** Total cost shall not exceed \$84,000.

**DOCUMENT NAME:** [20050707fslg06.pdf](#) **PURCHASES (1004-01) T04-002-01**

40. Request approval of one-year contract renewals with Summit Electric Supply and Capital Electric Supply Company for electrical supplies.

**COMMENTS:** Total cost shall not exceed \$500,000.

**DOCUMENT NAME:** [20050707fslg07.pdf](#) **PURCHASES (1004-01) T05-012-01 and T05-012-02**

41. Request approval of one-year contract renewals with Wilbur Ellis Company, Helena Chemical Company, and Target Specialty Products for pesticides and chemicals.

**COMMENTS:** Total cost shall not exceed \$120,000.

**DOCUMENT NAME:** [20050707fslg09.pdf](#) **PURCHASES (1004-01) T04-096-01, T04-096-02, T04-096-03**

42. Request approval of one-year contract renewals with Pennington Seed and United Horticultural Supply for grass seed.

**COMMENTS:** Total cost shall not exceed \$70,000.

**DOCUMENT NAME:** [20050707fslg10.pdf](#) **PURCHASES (1004-01) T03-002-01 and T03-002-02**

43. Request approval to increase by \$19,000 the contract amount with Carmanah Technologies, Inc., for solar lighting for bus shelters.

**COMMENTS:** Increase from \$106,000 to \$125,000.

**DOCUMENT NAME:** [20050707fslg08.pdf](#) **PURCHASES (1004-01) T05-032-01**

44. Request to award a one-year, limited source contract to Phoenix Fire Department for firefighter medical and physical exams.

**COMMENTS:** Subject to execution of final written contract. Total cost for this contract shall not exceed \$117,146 during the contract period.

**DOCUMENT NAME:** [20050707fSDL05.pdf](#) **PURCHASES (1004-01) Limited Source #06-119**

45. Request to award a sole source contract to Arizona Tactical for ballistic vests.

**COMMENTS:** Subject to execution of final written contract. Total cost for this contract shall not exceed \$61,000.

**DOCUMENT NAME:** [20050707fSDL12.pdf](#) **PURCHASES (1004-01) Sole Source #06-027**

46. Request approval of an addendum to a professional services contract with Superstition

Foothills Consulting Services, Inc., for on-call utility permit inspection services.

**COMMENTS:** Subject to execution of the final written addendum in an amount not to exceed \$12,000.

**DOCUMENT NAME:** [20050707PWTG01.pdf](#) **ENGINEERING ADMINISTRATION (0803-02) PROJECT NO. 3222-6672**

47. DELETED

48. Request approval of an addendum to a Construction Manager at Risk contract with Moline Construction Company for the Diablo Stadium Complex Improvements, Phase III.

**COMMENTS:** For a Guaranteed Maximum Price of \$2,573,646, subject to the execution of the final written addendum.

**DOCUMENT NAME:** [20050707PWJH09.pdf](#) **DIABLO STADIUM (0706-01) PROJECT NO6301781**

49. Request to award a Job Order to 3D/International, and to approve a contingency allowance of \$32,437 for change orders, for the Tempe Beach Park historic bleacher renovation.

**COMMENTS:** Subject to execution of the final written contract in an amount not to exceed \$356,805.

**DOCUMENT NAME:** [20050707PWDR03.pdf](#) **TEMPE BEACH PARK (0706-38) PROJECT NO. 6501761**

50. Request to award a Job Order to 3D/International, and to approve a contingency allowance of \$16,119 for change orders, for the Tempe Beach Park amphitheatre improvements.

**COMMENTS:** Subject to execution of the final written contract in an amount not to exceed \$354,607.

**DOCUMENT NAME:** [20050707PWDR04.pdf](#) **TEMPE BEACH PARK (0706-38) PROJECT NO. 6501751**

51. Request to award a Construction Manager at Risk Design Phase Services contract with Hunter Contracting Company for the Water Utilities Department security improvements.

**COMMENTS:** Subject to execution of the final written contract for an amount not to exceed \$61,248.

**DOCUMENT NAME:** [20050707PWTG05.pdf](#) **WATER MANAGEMENT ADMINISTRATION (0811-13) PROJECT NO. 3201022**

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- \*52. This is the **introduction and first public hearing** for an ordinance authorizing the Mayor to execute the First Amendment to Lease Agreement between the City of Tempe and Angels Baseball, LP, for Tempe Diablo Stadium. **The second public hearing is set for July 21, 2005.**

**DOCUMENT NAME:** [20050707casv01.pdf](#) **DIABLO STADIUM (0706-12)**  
**ORDINANCE NO.** 2005.45

- \*53. This is the **introduction and first public hearing** for an Amended Planned Area Development Overlay for EMERALD CENTER (Lot 1C) at 1746 West Ruby Drive. **The second public hearing is set for July 21, 2005.**

**COMMENTS:** (CC050033) (Tait Development, property owner) **#SPD-2005.59** for an Amended Planned Area Development Overlay for 72,264 square feet of home furnishings retail on 6.13 net acres in the RCC, Regional Commercial District.

**DOCUMENT NAME:** [20050707dsrl04.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*54. This is the **introduction and first public hearing** for an Amended Planned Area Development for FOUNTAINHEAD CORPORATE PARK at 1630 West Alameda Drive. **The second public hearing is set for July 21, 2005.**

**COMMENTS:** (CC050032) (Bircher Arizona for Amberjack, Ltd, property owner), **#SPD-2005.54** for an Amended Planned Area Development Overlay for Fountainhead Corporate Park consisting of 1,468,400 s.f. total building area on 74.58 net acres, including the following:

Use Permit:

1. Allow a 75,000 s.f. educational facility on Lot 7 in the GID, General Industrial District.

**DOCUMENT NAME:** [20050707dsd2k07.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*55. This is the **introduction and first public hearing** for a Zoning Map Amendment, a Planned Area Development Overlay and a Subdivision Plat by MCINTYRE DONOHOE AND JONES PLACE at 306 South Wilson Street. **The second public hearing is set for July 21, 2005.**

**COMMENTS:** (CC040532) (McIntyre, Donohoe, & Jones, property owners) for three (3) single-family residences, including the following:

**#ZON-2005.07 Ordinance No. 2005.36** for a zoning map amendment from R-3, Multi-Family Residential to R1-PAD, Single-Family Residential Planned Area Development Overlay on .38 gross acres.

**#SPD-2005.44** for a Planned Area Development Overlay consisting of three (3) single-family residences consisting of 4,158 s.f., 4,338 s.f. and 4,356 s.f. in living area, including garages.

**#SBD-2005.45** for a Final Subdivision Plat consisting of three (3) lots and 1 tract on .38

net acres.

**DOCUMENT NAME:** [20050707dsd2k06.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*56. This is the **introduction and first public hearing** for an ordinance abandoning two public utility easements and one sewer easement within the LDS Institute property at 650 East Orange Street. **The second public hearing is scheduled for July 21, 2005.**

**DOCUMENT NAME:** [20050707PWMG06.pdf](#) **ABANDONMENT (0904-02)**  
**ORDINANCE NO.** 2005.39

- \*57. This is the **introduction and first public hearing** for an ordinance abandoning a roadway easement located adjacent to 510 East Knox Road. **The second public hearing is scheduled for July 21, 2005.**

**DOCUMENT NAME:** [20050707PWMG07.pdf](#) **ABANDONMENT (0904-02)**  
**ORDINANCE NO.** 2005.40

- \*58. This is the **introduction and first public hearing** for an ordinance abandoning a water and sewer easement running through the proposed Police Substation site at 1855 East Apache Boulevard. **The second public hearing is scheduled for July 21, 2005.**

**DOCUMENT NAME:** [20050707PWMG08.pdf](#) **ABANDONMENT (0904-02)**  
**ORDINANCE NO.** 2005.43.

**D. Ordinances and Items for Second Hearing/Final Adoption**

- \*59. This is the **second public hearing** for an ordinance authorizing the transfer of City-owned property to Miravista/Vestar TM-Landco, LLC.

**DOCUMENT NAME:** [20050707dsnc01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)** **ORDINANCE NO.** 2005.38

- \*60. This is the **second public hearing** for an ordinance approving the historic designation of the D.J. FRANKENBERG HOUSE at 2222 South Price Road.

**COMMENTS:** (Church of the Epiphany, owner) (CC050023) **Ordinance No. 2005.22 #HPO-2005.40** for the historic designation of the D.J. Frankenberg House, located at 2222 South Price Road.

**DOCUMENT NAME:** [20050707dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*61. This is the **second public hearing** for an ordinance authorizing a lease agreement with Verizon Wireless Communications for a cell site located in the SRP easement on the north side of Town Lake.

**DOCUMENT NAME:** [20050707ITD01.pdf](#) **VERIZON WIRELESS (0903-54)**  
**ORDINANCE NO.** 2005.37

E. Resolutions

62. Request approval of a resolution amending the City of Tempe 401(K) Savings and Investment Plan and Trust.

DOCUMENT NAME: [20050707hrjh01.pdf](#) 401(K) PLAN (0303-01-02)  
RESOLUTION NO. 2005.31

6. **PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

**SCHEDULED PUBLIC APPEARANCE**

- Glenn Taylor, Tempe, re: "Bus notification bells are too loud"
- Corey Woods, Tempe, re: Eminent Domain issues
- *Dennis Skolnick, Tempe, re: "Why a DUI is like Eminent Domain"*

7. **CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

Agendas are also available at [www.tempe.gov/clerk](http://www.tempe.gov/clerk)  
Watch live at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11)